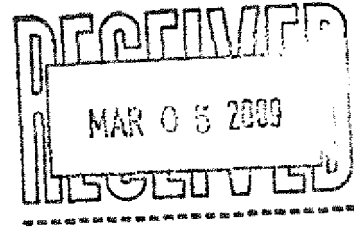


JJD/ANB/pmm/0451333.01

2246-396-700-833

IN THE CIRCUIT COURT
THIRD JUDICIAL CIRCUIT
MADISON COUNTY, ILLINOIS



JOHN SCARDUZIO,

Plaintiff,

v.

A.W. CHESTERTON, INC., et. al.,

Defendants.

Case No. 08-L-643

**WHITTAKER, CLARK & DANIELS, INC.'S RESPONSES TO PLAINTIFFS'
MANUFACTURER INTERROGATORIES DIRECTED TO DEFENDANT**

NOW COMES the Defendant, WHITTAKER, CLARK & DANIELS, INC. ("WC&D"), by its attorneys, TRESSLER, SODERSTROM, MALONEY & PRIESS, LLP, and for its Responses to Plaintiffs' Manufacturer Interrogatories Directed to Defendant, states as follows:

GENERAL STATEMENT

1. Whittaker, Clark & Daniels, Inc. (herein "WC&D") responds to each Interrogatory subject to the General Statements, and Objections to Instructions and Definitions set forth below. The General Statements and Objections to Instructions and Definitions form a part of each response to each of the Interrogatories and are set forth separately to avoid duplication and repetition. Certain General Statements and Objections to Instructions and Definitions may be specifically referred to in response to certain Interrogatories for the purpose of clarity. However, the failure to specifically refer to a General Statement Objection to Instruction or Objections shall not be construed as a waiver of same. Nothing herein shall be construed as an admission by WC&D with respect to the admissibility or relevance of the



information provided.

2. These responses are based upon information presently known to WC&D and its attorneys and documents available at the present time from WC&D's files. WC&D reserves the right to amend, supplement, or withdraw any of these objections and/or responses should future discovery reveal additional information.

3. Whenever a request seeks to impose obligations upon WC&D greater or broader than those imposed by the Illinois Rules of Civil Procedure and/or the Illinois Supreme Court Rules, WC&D shall respond in conformance with such rules.

4. By making information available, WC&D neither waives nor intends to waive any objections which it may have regarding the use of any information and expressly reserves all objections regarding: the competency, privilege, relevance, materiality, probative value, and admissibility of all documents produced and the contents thereof; the right to object to the use of any documents provided in whole or in part or to the subject matter covered thereby in any later stage or proceeding in this litigation on any or all of the grounds set forth herein; the right to object on any and all proper grounds at any time to other discovery procedures involving or relating to the subject matter of any information provided by WC&D; the right to challenge the competency, relevance, materiality, and admissibility of or to object on any grounds to the use of these responses in any subsequent proceeding or trial of this or any other action; and all objections as to vagueness and ambiguity.

5. To the extent that privileged documents responsive to a particular request exist, they are not being provided. If any document which is properly the subject of the attorney-client, work-product, or any other privilege is inadvertently provided, any such document is not to be construed as a waiver of the attorney-client, work-product, or other privilege. The

production of responsive documents is made based on the condition that if any privileged documents are inadvertently provided, all such documents and copies of all such documents will be returned or destroyed at WC&D's behest.

**GENERAL OBJECTIONS AND
OBJECTIONS TO INSTRUCTIONS AND DEFINITIONS**

1. WC&D objects generally and individually to the Interrogatories on the grounds and to the extent that they are vague, overly broad, oppressive, unduly burdensome, excessive in number, not relevant to the subject matter of the litigation, and not calculated to lead to the discovery of admissible evidence.

2. WC&D objects to the interrogatories on the grounds and to the extent that they seek information beyond the Plaintiff's allegations of exposure against WC&D, including the alleged work performed, time period, and locations, as contained in complaint and discovery depositions.

3. WC&D objects to these Interrogatories and Instruction and Definitions to the extent that the Plaintiff seeks to impose requirements beyond those set forth in the Illinois Code of Civil Procedure or the Illinois Supreme Court Rules. Thus, WC&D declines any obligation to (a) locate and interview former employees, insurance carriers, consultants or any other person; (b) identify an unknown custodian or the current custodian of documents not in WC&D's possession; or (c) provide medical or other expert opinion beyond the scope of WC&D's business.

4. WC&D objects to the instructions and definitions supplied by plaintiffs with regard to these interrogatories, on the basis that the definitions are overbroad, vague, and often inconsistent with the normal usage and meaning of such words, and the instructions are overbroad, burdensome and constitute an unreasonable expansion of the interrogatories themselves. WC&D therefore gives notice that it does not consider itself bound by the instructions and definitions propounded by plaintiff, and instead shall answer the interrogatories in a manner consistent with a

normal understanding of the language used in the interrogatory and to the extent necessary to fairly and fully answer the interrogatories.

5. WC&D objects to these interrogatories to the extent that they seek to require it to provide information other than that which may be obtained through a reasonably diligent search of its records. WC&D will respond to the interrogatories by individual written responses or, by specifying the records from which the answer may be derived or ascertained and by affording the plaintiff a reasonable opportunity to examine records as they are kept or as otherwise agreed to by counsel.

6. WC&D objects to the definition of "Predecessor" or "Predecessor, Entity or Company" as being overly broad, burdensome, confusing, oppressive and onerous insofar as certain entities, persons or individuals encompassed within such a definition are both unascertainable and immaterial to the matters at issue. WC&D further objects to this definition to the extent it can be construed as encompassing claims other than those identified in the plaintiff's complaint at issue in this litigation as being irrelevant to the subject matter of this litigation, and not reasonably calculated to lead to the discovery of admissible evidence.

7. This Defendant denies that its products at issue, if any, contained asbestos, and nothing stated in these responses is intended as, and shall not be construed, as an admission by this Defendant that any of its products contained asbestos. Therefore, WC&D objects to any party implying or inferring that this Defendant's answering of these discovery requests constitutes an admission that any of its products contain asbestos.

8. Moreover, these requests and interrogatories are not specifically limited to the time and place that Plaintiff's conceivably could have been exposed to any products sold or distributed by WC&D or products containing any component sold or distributed by WC&D.

This Defendant further objects because these interrogatories and requests for production are not limited to the specific events and/or products involved in the pending case.

9. WC&D further objects to plaintiff's miscategorization of this defendant to include "all related companies or entities", as overbroad, irrelevant, not limited in time and scope, beyond the scope of this defendant's legal existence, designed to harass, and not reasonably calculated to lead to the discovery of admissible evidence.

10. WC&D objects to being required to answer these interrogatories and request for production to the extent that they do not conform to the requirements of the Illinois Supreme Court Rules, including the plaintiff's request that WC&D answer interrogatories in excess of thirty (30) in number, including also hundreds of subparts, in contravention of Supreme Court Rule 213(c).

11. WC&D objects to these interrogatories and request for production as failing to comply with Illinois Supreme Court Rule 213(b) which imposes a duty upon the plaintiff to restrict the interrogatories to the subject matter of the particular case, to avoid undue detail and to avoid the imposition of any unnecessary burden or expense upon the answering party.

12. WC&D expressly reserves all objections to the confidentiality, admissibility, authenticity, or relevancy of any documents produced or information provided, and reserves all applicable claims of privilege, whether work-product or attorney/client in nature.

13. WC&D specifically reserves the right to amend these answers if new or more information becomes available or if inadvertent errors are discovered, as intended by the Illinois Supreme Court Rules.

RESPONSES TO INTERROGATORIES

INTERROGATORY NO. 1:

Identify the person answering these interrogatories on behalf of Defendant.

ANSWER:

Whittaker, Clark & Daniels, Inc., with the aid of counsel.

INTERROGATORY NO. 2:

Has the person answering these interrogatories made reasonable inquiry of all available sources of information such that Plaintiff may rely upon these answers as the truthful and complete answers made on behalf of Defendant? List any and all such sources of information relied upon, including, but not limited to, identifying any and all records or documents reviewed and persons providing information.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these objections, defendant states yes. Sources of information include corporate documents, corporate minutes and sales information.

INTERROGATORY NO. 3:

State the following concerning this Defendant:

- a. Full and correct name;
- b. The form in which Defendant presently conducts business (i.e. corporation, partnership, proprietorship, etc.);
- c. Identify any and all predecessors and related companies as defined above;
- d. Any and all other forms in which defendant has conducted business at any time, and the date(s) when business was conducted in each form;
- e. Any and all names by which Defendant has been known or has conducted business, at any time, and the date(s) during which Defendant has been

- known by and/or conducted business, under each such name;
- f. Defendant's principal place of business;
- g. Defendant's present state of incorporation or state in which Defendant is registered as a partnership, association, etc., whichever is applicable; if Defendant has, at any time, been incorporated or registered in a different state, identify which state and when;
- h. Most recent date of incorporation or reincorporation, and any and all prior date(s) of incorporation or reincorporation;
- i. Whether this Defendant is authorized to transact business in the State of Illinois and, if so, the date such authority was first issued and last renewed;
- j. If this Defendant has an agent, representative or place of business in Illinois, identify such agent, representative, or place of business; and,
- k. If this Defendant has an agent for service in the State of Illinois, identify the registered agent.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant, unduly burdensome, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows:

The correct legal name of the company is Whittaker, Clark & Daniels, Inc. The business was founded in 1890 by W.H. Whittaker. The form is not known. Thereafter, Mr. Whittaker entered into a partnership with Samuel H. Clark, and the firm became known as Whittaker Clark. In about 1918, the business was incorporated as Whittaker, Clark & Daniels, Inc. in New York. In 1972, the company was reorganized as a New Jersey corporation. Whittaker, Clark & Daniels, Inc.'s principal address is 100 First Stamford Place, Mailbox 14, Stamford, CT 06902 current. Several subsidiaries merged into Defendant over the years: PJ Flynn, Inc. (a trucking company), Verminco, Inc. (a captive insurer), Windser, Inc. (real estate holdings), and Fortune Investments, Inc. (real estate holdings). Defendant no longer conducts business in Illinois and thus has no agent, representative, or place of business in Illinois.

INTERROGATORY NO. 4:

Has Defendant been sued under its correct legal name? If not, state the correct legal name of Defendant and provide the information requested in No. 3 above concerning the defendant as correctly named.

ANSWER:

Yes.

INTERROGATORY NO. 5:

Identify any and all persons or entities which own, or at any time have owned, more than a ten percent (10%) interest in this Defendant, and for each such person or entity identified, state the date(s) during which said person or entity owned more than a ten percent (10%) interest in Defendant and the specific type and amount of interest owned.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence and is unduly burdensome, and outside the proper scope of discovery, without waiving these or any other objections, Defendant states that it is currently wholly owned by Brilliant National Services.

INTERROGATORY NO. 6:

Identify any and all companies, businesses, corporations, and/or joint ventures in which this Defendant owns, or at any time has owned, more than a ten percent (10%) interest.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible

evidence and is unduly burdensome and outside the proper scope of discovery. Without waiving these or any other objections, Defendant states that it owned the following entities at various times between approximately 1970 to approximately 1995:

WCD International SA (foreign sales for WC&D)

Clark Minerals, Inc. (talc processing for WC&D)

Arroyo Holdings, Inc. (real estate holdings)

Apache Minerals, Inc. (talc mining)

Pioneer Talc, Inc. (talc mining)

Longhorn Holdings, Inc. (real estate holding)

Georgia Talc Company (talc mining)

Clark Colors, Inc. (distribution of colors)

Crozier-Nelson Sales, Inc. (sale of specialty chemicals)

WCD International SARL (foreign sales)

Whittaker, Clark & Daniels Foreign Sales Corporation (foreign sales)

Metropolitan Talc Company (talc mining)

Fine Pigments, Inc. (distribution of pigments)

INTERROGATORY NO. 7:

With respect to each corporation, company, business or joint venture identified in response to Interrogatory No. 6 state:

- a. The type of business, conducted by such related company;
- b. The past and present business relationship(s) between said related company and Defendant;
- c. The nature of the products or services which Defendant has sold to, or purchased from, said related company;
- d. Whether or not said related company advertises or has advertised products or services supplied by Defendant;
- e. Whether or not said related company sells or has sold Defendant's

- products or services within the State of Illinois and, if so, the approximate value of those sales from 1930 to date;
- f. Whether or not said related company pays taxes of any type to the State of Illinois or to any political subdivision thereof and, if so, the type of taxes paid;
 - g. Whether or not Defendant controls or has controlled, directly or indirectly, in whole or in part, said related company's advertising; and,
 - h. The identity of any past or present officer or director of Defendant who, at any time, served as an officer or director of said related company.

ANSWER:

See Answer to Interrogatory No. 6. In addition and without waiving any objections, in answering further, Defendant is not aware of whether these entities paid taxes to Illinois and, upon information and belief, these companies did not advertise.

INTERROGATORY NO. 8:

List all directors and officers of Defendant from 1940 to date and for each state all positions held and the date(s) during which each position was held.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overbroad, irrelevant, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states that the officers and directors from 1998 to 2002 were as follows:

List of Corporate Officers

1998:

1. Michael C. Argyelan - President
2. Theodore Hubbard- Exec. Vice President
3. Raymond K. Rogers- Vice President
4. Robert C. Przybylowski - Vice President
5. Thomas W. Grunstra - Vice President
6. Edward H. Boyadjian - Secretary- Treasurer
7. Julia M. Bonechi - Asst. Treasurer

1999:

1. Michael C. Argyelan- President
2. Theodore Hubbard- Exec. Vice President
3. Raymond K. Rogers- Vice President
4. Robert C. Przybylowski- Vice President
5. Thomas W. Grunstra- Vice President
6. Edward H. Boyadjian - Secretary- Treasurer
7. Julia M. Bonechi - Asst. Treasurer

2000:

1. Michael C. Argyelan- President
2. Theodore Hubbard- Exec. Vice President

2001:

1. Theodore Hubbard- President
2. Thomas W. Grunstra- Vice President

3. Raymond K. Rogers- Vice President
4. Robert C. Przybylowski- Vice President
5. Thomas W. Grunstra- Vice President
6. Edward H. Boyadjian - Secretary- Treasurer
7. Julia M. Bonechi - Asst. Treasurer

3. Raymond K. Rogers- Vice President
4. Robert C. Przybylowski- Vice President
5. Julia M. Bonechi -
6. Edward H. Boyadjian- Secretary

2002:

1. Theodore Hubbard- President
2. Thomas W. Grunstra- Vice President
3. Raymond K. Rogers- Vice President
4. Robert C. Przybylowski- Vice President
5. Julia M. Bonechi -
6. Edward H. Boyadjian- Secretary

List of Directors:

1998:

1. Michael C. Argyelan
2. Clarence E. Clark
3. George J. Dippold
4. Theodore Hubbard
5. Barry Marell, Esq.
6. Frederick F. Roesch
7. Raymond K. Rogers
8. Vincent M. Cronen

1999:

1. Stephen R. Clark
2. H. Edward Boyadjian
3. Michael C. Argyelan
4. William A. Fidler
5. Theodore Hubbard

2000:

1. Stephen R. Clark
2. Michael Argyelan
3. H. Edward Boyadjian
4. William A. Fidler
5. Theodore Hubbard

2002:

1. Stephen R. Clark
2. James M. Doyle
3. Edward H. Boyadjian
4. Theodore Hubbard

In addition, see Response to Manufacturer Interrogatory No. 40.

INTERROGATORY NO. 9:

State whether any of Defendants' present or former officers or directors ever served (whether before, during or after becoming Defendants' officer or director) as an officer or director of any other company, corporation or business which manufactured, sold or distributed asbestos or asbestos-containing products and, if so, please:

- a. Identify each officer and director of Defendant, who served as such other company's officer or director; and
- b. Identify each company, corporation or business for which each such officer or director served, each position held by such officer or director for such other company, corporation or business, and the time periods each position was held.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant, unduly burdensome, immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states that it has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 10:

Has Defendant ever acquired, through purchase, reorganization or merger, another company, corporation or business which manufactured, sold, processed, distributed or contracted to apply, asbestos and/or asbestos-containing products?

ANSWER:

No.

INTERROGATORY NO. 11:

If the answer to Interrogatory No. 10 is "Yes," with respect to each such predecessor:

- a. State its full and correct name;
- b. State its principal place of business;
- c. State its State of incorporation;
- d. State its date and manner of acquisition by Defendant;
- e. Whether this predecessor was, at any time, authorized to transact business in the State of Illinois; and
- f. Identify any and all documents referring to, relating to or reflecting the acquisition.

ANSWER:

Not applicable. See Answer to Interrogatory No. 10.

INTERROGATORY NO. 12:

Has Defendant ever acquired from another corporation, company, or business, by any means other than those specified in Interrogatory No. 10, assets or rights to manufacture, sell,

distribute or apply asbestos or asbestos-containing products?

ANSWER:

Defendant was a distributor of raw asbestos from approximately the early 1930s to approximately 1972. As such, Defendant acquired the consent of the manufacturer, The Asbestos Corporation, Ltd., to distribute its product.

INTERROGATORY NO. 13:

If the answer to Interrogatory No. 12 is "Yes," with respect to each such acquisition:

- a. State the full and correct name of the company from which such assets or rights were acquired;
- b. State the principal place of business of the company from which said assets or rights were acquired;
- c. Describe the assets or rights acquired, including the specific asbestos-containing products to which said assets or rights related; and
- d. Identify any and all documents referring to, relating to or reflecting the transaction.

ANSWER:

See Answer to Interrogatory No. 12 above. In addition, Defendant has no records or documents reflecting any transactions described in Interrogatory No. 12.

INTERROGATORY NO. 14:

Other than any transaction identified in response to Interrogatories Nos. 10-13, has this Defendant ever been involved, in any capacity, including but not limited to, seller, transferor, grantor, franchisor, licensor, buyer, transferee, grantee, franchisee or subject of the transaction, in any transaction, of any kind, concerning any of the following:

- a. The purchase/sale or transfer of ownership of a company, corporation or business which manufactured, sold, processed, distributed or contracted to apply asbestos and/or asbestos-containing products; or
- b. The purchase/sale or transfer of ownership of the assets or rights to manufacture, sell, distribute or apply asbestos or asbestos-containing products; and/or
- c. The purchase/sale or transfer of liabilities arising out of the manufacture,

sale, processing, distribution or application of asbestos or asbestos-containing products.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these objections, Defendant states as follows: no.

INTERROGATORY NO. 15:

If the answer to any sub-part of Interrogatory No. 14 is "Yes," with respect to each such transaction:

- a. Identify all parties to the transaction;
- b. Identify the subject matter of the transaction;
- c. State the date of the transaction; and,
- d. Identify any and all documents, referring to, relating to or reflecting the transaction.

ANSWER:

Not applicable. See Answer to Interrogatory No. 14.

INTERROGATORY NO. 16:

State the first and last dates on which any asbestos-containing product was manufactured by:

- a. Defendant;
- b. Each and every predecessor; and,
- c. Each and every related company.

ANSWER:

This Defendant was not, nor has it ever been, a manufacturer of asbestos materials or products. Therefore, this Defendant states none.

INTERROGATORY NO. 17:

State the first and last dates on which any asbestos-containing product was specified, sold, distributed, applied and/or installed within the United States by:

- a. Defendant;
- b. Each and every predecessor; and,
- c. Each and every related company.

ANSWER:

Defendant has no records or information which would enable it to answer this interrogatory, but see generally Answer to Interrogatory No. 12 and No. 19.

INTERROGATORY NO. 18:

State the last date on which Defendant or any related company specified, sold, distributed, applied and/or installed any asbestos-containing product outside the United States and identify by brand or trade name the products so specified, sold, distributed, applied and/or installed.

ANSWER:

Defendant has no records or information which would enable it to answer this interrogatory, but see generally Answer to Interrogatory No. 12 and No. 19.

INTERROGATORY NO. 19:

Identify by full and complete trade name, any and all asbestos-containing products as defined above, which this Defendant, any related company, or any predecessor(s) has, at any time:

- a. Designed;
- b. Manufactured;
- c. Processed;
- d. Sold;
- e. Distributed;
- f. Applied;

- g. Installed;
- h. Patented;
- i. Specified; or
- j. Re-labeled.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections, Defendant states that it was a distributor of the products identified in the products lists produced in connection with these responses. According to the product description included within the documents, certain products are identified as containing a substance referred to as “asbestos.” Defendant has no records or information which would enable it to answer this interrogatory further.

INTERROGATORY NO. 20:

With respect to each asbestos-containing product listed for each subpart of Interrogatory No. 19:

- a. Identify the specific company (Defendant, predecessor, related company) which designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product;
- b. State the year in which Defendant, its related company or its predecessor first designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product; and,
- c. State the year in which the Defendant, its related company or predecessor last designed, manufactured, processed, specified, sold, distributed, applied, installed, patented or re-labeled such product.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the

proper scope of discovery. Without waiving these or any other objections, see generally Answer to Interrogatory No. 12 and No. 19.

INTERROGATORY NO. 21:

Were any of the products, which were listed in response to Interrogatory No. 19 as having been specified, sold, distributed, applied or installed by Defendant, its predecessor or related company(ies), purchased from another company and re-labeled for sale or distribution by Defendant, its predecessors or related companies? If so, identify those products, and with respect to each:

- a. Identify the company from which Defendant, its predecessor or related company purchased the product; and,
- b. Identify the company which manufactured the product; and,
- c. State the date(s) during which said re-labeled product was sold, distributed or applied.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections, and upon information and belief, Defendant has no records or information which would enable it to answer this interrogatory further.

INTERROGATORY NO. 22:

Has this Defendant, at any time, applied, contracted to apply, installed or engaged in the business of applying or installing, asbestos-containing products? If so:

- a. State the date(s) on which or during which Defendant applied, contracted to apply, installed or engaged in the business of applying or installing asbestos-containing products;
- b. Identify any and all sites within the State of Illinois at which Defendant

applied, installed or contracted to apply or install asbestos-containing products, and for each such site:

- i. State whether the products you applied, installed or contracted to apply or install were included as part of the project's contract price or whether you applied the products that were provided at the worksite;
- (ii) Identify by manufacturer and trade name each and every asbestos-containing product applied or installed;
- (iii) State the date(s) during which said application or installation took place;
- (iv) Identify the employee(s) of Defendant who was (were) in charge of the job;
- (v) Identify the person or entity for which the products were applied or installed; and
- (vi) Identify all documents relating to such contract, application or installation.

ANSWER:

No.

INTERROGATORY NO. 23:

Has this Defendant, any predecessor or any related company, ever engaged in the business of mining asbestos? If so:

- a. Identify which company(ies) whether (Defendant, predecessor or related company) engaged in said business;
- b. State the date(s) during which each said company engaged in such business;
- c. State each and every location at which such mining was done;
- d. Identify each and every officer, employee and/or agent of said company who, at any time, was in charge of each mining operation; and,
- e. Identify each and every entity, if any, to which said company sold the asbestos which was mined.

ANSWER:

No.

INTERROGATORY NO. 24:

Has this Defendant, any predecessor or any related company ever purchased and resold raw asbestos? If so, with respect to each such purchase and resale:

- a. State the date(s) of the transaction;
- b. Identify any and all parties from which the raw asbestos was purchased;
and,
- c. Identify any and all parties to which the raw asbestos was sold.

ANSWER:

See Answer to Interrogatory No. 12 and No. 19.

INTERROGATORY NO. 25:

Identify each and every source from which Defendant, any predecessor or related company, obtained raw asbestos and/or asbestos-containing material used by Defendant, any predecessor or related company, to manufacture or process any product listed in response to Interrogatory No. 19.

ANSWER:

Defendant was not, nor has it ever been, a manufacturer of asbestos materials or products. In response to this interrogatory, this Defendant states none. See generally Answer to Interrogatory No. 12 and No. 19

INTERROGATORY NO. 26:

Is Defendant or any related company, as of the date of answering these interrogatories, still manufacturing, specifying, selling, distributing, applying or installing any asbestos-containing product? If so, give the brand/trade names of such products, type and percentage of asbestos in such product, and the date on which Defendant or any related company first manufactured, specified, sold, distributed, applied or installed said products.

ANSWER:

No.

INTERROGATORY NO. 27:

With respect to each and every product listed in response to Interrogatory No. 19,

provide a full and complete description of the package in which the product was sold, including, but not limited to, type of package, size, color and writings thereon.

ANSWER:

Upon information and belief, Defendant states that the raw asbestos was packaged in paper bags and that a stenciled number corresponding to the number associated with or assigned by Defendant to that particular product was placed on the outside of the package. Defendant states that it has no records or information which would enable it to answer this interrogatory further.

INTERROGATORY NO. 28:

For each subpart below, state whether or not, to Defendant's knowledge, any items as described therein presently exist and, if so, identify any and all such existing items and state the present location of each:

- a. Any product listed in response to Interrogatory No. 19, including, but not limited to, any sample, part or piece thereof;
- b. Any package of the type in which any or all of the products listed in response to Interrogatory No. 19 were or would have been sold, including, but not limited to, any partial package;
- c. Any catalogue, brochure, sales literature or like item referring to, relating to or reflecting any or all of the products listed in response to Interrogatory No. 19;
- d. Any picture, drawing, photograph or like representation of the items described in subparts a., b. and/or c. of this Interrogatory.

ANSWER:

- a. None
- b. None
- c. See documents produced simultaneously herewith.
- d. None

INTERROGATORY NO. 29:

Did Defendant, any related company or any predecessor ever stamp or otherwise place

(including affixing tags or labels) a company name, initials, or any identifying logo on any of the products listed in response to Interrogatory No. 19?

ANSWER:

See Answer to Interrogatory No. 27.

INTERROGATORY NO. 30:

If your answer to Interrogatory No. 29 is "Yes," identify each and every such product upon which such name, initials or identifying logo appeared and for each such product identified:

- a. Describe each and every name, initials or identifying logo appearing on said product, at any time, by stating the wording, lettering, symbols, size, color and manner in which it was stamped, placed or affixed to said product;
- b. State the date(s) during which each such name, initials, or identifying logo appeared on said product; and
- c. Identify any and all documents referring to, relating to or reflecting the stamping, placing or affixing of names, initials or logos to said product, including, but not limited to, any pictures, photographs or like representations of such names, initials or logos.

ANSWER:

See Answer to Interrogatory No. 27.

INTERROGATORY NO. 31:

Was each of the asbestos-containing products listed in response to Interrogatory No. 19 generally expected to reach, or was each packaged to reach, the consumer or user, without substantial change in the condition in which it was sold?

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the

proper scope of discovery. Without waiving these or any other objections, Defendant states as follows: Defendant is unable to answer this interrogatory as phrased.

INTERROGATORY NO. 32:

If your answer to Interrogatory No. 31 is "No" with respect to any product(s), explain in what manner Defendant claims said product(s) were altered or substantially changed after sale or distribution and before reaching the consumer or user.

ANSWER:

See Answer to Interrogatory No. 31.

INTERROGATORY NO. 33:

With respect to each product listed in response to Interrogatory No. 19, state whether, based upon the material contents, the method of manufacturing, and the method of application, such product could generally be applied or installed without liberating asbestos fibers?

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections, Defendant has no information responsive to this interrogatory.

INTERROGATORY NO. 34:

With respect to each product listed in response to original Interrogatory number 19, could it be expected or anticipated that the product might have to be removed, stripped or replaced at any time after application or installation?

ANSWER:

See Answer to Interrogatory No. 33.

INTERROGATORY NO. 35:

Identify each person who participated in the design and/or preparation of manufacturing specifications for each product listed in response to Interrogatory No. 19.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant was not, nor has it ever been, a manufacturer of asbestos materials or products and, as such, this Defendant does not have any information responsive to this interrogatory.

INTERROGATORY NO. 36:

Identify any and all documents, including, but not limited to, written memoranda, specifications, blueprints, formulas, patterns and designs, referring to, relating to or reflecting the design, preparation, application and/or installation of each product listed in response to Interrogatory No. 19.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine and that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant does not have any information responsive to this interrogatory.

INTERROGATORY NO. 37:

With respect to each product listed in response to Interrogatory No. 19, state:

- a. The type of asbestos contained in the product as it was first manufactured;

- b. The percentage of asbestos contained in the product as it was first manufactured;
- c. Any modification to the product which altered the percentage or type of asbestos in the product and the dates of such modification;
- d. The source of asbestos in each product;
- e. The color, physical characteristics, and appearance of each product;
- f. Any and all other names under which the product was sold, at any time;
- g. The number and date of each patent or patent application for each product;
- h. If the product continued to be produced after the deletion of asbestos, all reasons why the asbestos was deleted, the identity of the person(s) who made the decision to delete the asbestos, and the date the product was first produced without the asbestos;
- i. If the product is no longer produced, all reasons it was discontinued, the identity of the person(s) who made the decision to discontinue the product, the brand name of the replacement product, and the date the replacement product first went into production; and
- j. The reasons why asbestos was used as an ingredient in each such product.

ANSWER:

See Answer to Interrogatory No. 19 and documents produced simultaneously in connection herewith.

INTERROGATORY NO. 38:

Identify any and all facilities at which Defendant, any predecessor or any related company, at any time, manufactured or processed asbestos-containing products, or processed raw asbestos. For each such facility identified:

- a. State the date(s) which said facility was owned and/or operated by Defendant, any predecessor or any related company;
- b. State the date(s) during which asbestos-containing products and/or raw asbestos were manufactured or processed, at said facility; and,
- c. Identify each person serving as the manager or supervisor of said facility during any time which the facility has been owned and/or operated by Defendant, any predecessor or any related company, and state the date(s) of the tenure as manager or supervisor for each.

ANSWER:

None.

INTERROGATORY NO. 39:

Identify any and all entities to which the defendant, any predecessor or related company, sold, distributed or otherwise provided any type of asbestos-containing product, including but not limited to, the products listed in response to original Interrogatory number 19, and which the defendant has any reason whatsoever to suspect, believe, think or otherwise conclude that said asbestos-containing product was installed, applied, stored, or anyway made use of at any site identified in the interrogatory answers of any plaintiff with a claim against this defendant, at any site located in Madison County, Illinois, or at any site within a 200 mile radius of Madison County, Illinois.

ANSWER:

None.

INTERROGATORY NO. 40:

Identify any and all persons known by you to have any knowledge concerning the manufacture, sale, distribution, possession, application, installation or use of the products listed in response to Interrogatory No. 19.

ANSWER:

Dennis St. George, Secretary, former Secretary and Vice President, has general knowledge concerning the distribution and sale of various products. Additional persons include Michael Argyelan, former President, and Theodore Hubbard, former President of Defendant.

INTERROGATORY NO. 41:

Has Defendant, any predecessor or any related company, at any time, designed, manufactured, processed, sold, distributed, supplied, applied, installed or contracted to apply or install any product which contained vermiculite?

ANSWER:

Vermiculite is a product identified on the product lists produced simultaneously with these responses. Defendant does not have any information regarding whether the product was ever sold or distributed.

INTERROGATORY NO. 42:

If your answer to Interrogatory No. 41 is "Yes," identify by brand/trade name any and all such products which contained vermiculite and for each:

- a. State the date(s) during which said product contained vermiculite;
- b. State, in percentage terms, the amount of vermiculite contained in the product;
- c. Identify the source of the vermiculite used in the product;
- d. Identify the specific company (Defendant, predecessor, related company) which designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- e. State the year in which Defendant, its related company or its predecessor first designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- f. State the year in which the Defendant, its related company or predecessor last designed, manufactured, processed, sold, distributed, applied, installed or patented such product;
- g. State whether any sample, part or piece of such product is still in existence; and
- h. Identify all documents relating to such product, including but not limited to any package, brochure, catalog, picture, photograph or like representation of the product or packaging.

ANSWER:

See Answer to Interrogatory No. 41.

INTERROGATORY NO. 43:

With respect to the products listed in response to Interrogatory Nos. 19 and 42, did Defendant, any predecessor or related company or the manufacturer of the products ever conduct tests of any kind on any or all of said products concerning possible or potential health hazards involved in its use or in the use of materials contained therein?

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections, upon information and belief, Defendant states that fiber content tests were performed on talc products which WC&D distributed beginning in the 1970s.

INTERROGATORY NO. 44:

If your answer to Interrogatory No. 43 is "Yes," with respect to each product test:

- a. State the location where the test was performed;
- b. Identify each and every individual who conducted or participated in said test;
- c. Describe the results of said test;
- d. State the date or dates upon which said test was conducted;
- e. Identify any and all documents referring to, relating to or reflecting said test or the results thereof; and
- f. Identify each and every individual who received a copy of any document referring to, relating to or reflecting the results of said test.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections, upon information and belief, Defendant states as follows:

See transcript of and exhibits to Michael Argyelan deposition of August 23, 2000 produced simultaneously herewith.

INTERROGATORY NO. 45:

Did any person, including but not limited to, an officer, agent or employee of Defendant,

any predecessor or related company recommend any design changes as a result of any test referenced in your response to the preceding interrogatory?

ANSWER:

No.

INTERROGATORY NO. 46:

If your answer to Interrogatory No. 45 is "Yes," with respect to each such recommended design change:

- a. State the product or products involved;
- b. State the test or tests involved;
- c. State the nature of the change recommended;
- d. Identify the person(s) making the recommendation;
- e. State the nature and effective date of any change made; and
- f. Identify each and every person who participated in the decision to make or not make the recommended design change.

ANSWER:

Not applicable. See Answer to Interrogatory No. 45.

INTERROGATORY NO. 47:

Identify any and all persons employed by Defendant, its predecessor or related company at any time from 1940 to date as an industrial hygienist or in a similar position.

ANSWER:

Defendant is not aware of any such person employed by Defendant in that role.

INTERROGATORY NO. 48:

Identify any and all persons or entities, other than the employees listed above, which provided industrial hygienic or similar services or information to, or for the benefit of, this Defendant, at any time from 1940 to date, including, but not limited to, employees of, or anyone retained by, any predecessor or related company.

ANSWER:

Defendant is not aware of any such person employed by Defendant in that role.

INTERROGATORY NO. 49:

Does Defendant have, or has Defendant, any predecessor or any related company ever had, a Research Department? If so:

- a. State when such department was established, and whether or not such department has operated continuously since being established;
- b. State how much Defendant, its predecessor and/or related company expended each year on research; and
- c. State the percentage of said expenditure which was for research concerning the health affects of asbestos;
- d. Identify the person(s) in charge of such department throughout its existence; and
- e. Identify the person(s) in charge of any asbestos-related research conducted by such department throughout the years.

ANSWER:

No.

INTERROGATORY NO. 50:

Did Defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, maintain a medical and/or scientific library at any time from 1940 to the present? If so:

- a. State the dates such library existed;
- b. State the number of volumes maintained therein;
- c. State the number of employees, part-time or full-time, assigned to the maintenance of said library; and
- d. Identify the person(s) within the corporate structure to whom said library employees reported throughout the existence of the library.

ANSWER:

No.

INTERROGATORY NO. 51:

Identify any and all scientific or medical periodicals to which Defendant, any predecessor or any related company, or any medical department or industrial hygiene division thereof, subscribed from 1940 to the present, and for each periodical state the dates of such subscriptions.

ANSWER:

See Answer to Interrogatory No. 50.

INTERROGATORY NO. 52:

Has Defendant, any predecessor or any related company, at any time since 1940:

- a. Been a member of a medical and/or scientific library or library association?
- b. Been a member of any organization or association which maintained a medical and/or scientific library?
- c. Been a member of any organization or association through which members obtained the use of, or access to, a medical and/or scientific library?

ANSWER:

- a. No.
- b. Defendant has no information to answer this question as phrased.
- c. No.

INTERROGATORY NO. 53:

If your answer to any subpart of Interrogatory No. 52 is "Yes" :

- a. Identify the library(ies) involved and state the years during which Defendant, its predecessor or related company was a member of, or otherwise had use of or access to said library; and
- b. If applicable, identify the organization or association through which Defendant, its predecessor or related company, obtained the use of or access to, such library(ies).

ANSWER:

Not applicable. See Answer to Interrogatory No. 52.

INTERROGATORY NO. 54:

Has Defendant, any predecessor or any related company, or any person or entity acting

on behalf thereof, including but not limited to, any insurance company, at any time, conducted any industrial hygiene surveys concerning any product identified in response to Interrogatory No. 19, including, but not limited to, surveys concerning the manufacture, processing, application, installation, use and/or removal of said products?

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 55:

If your answer to Interrogatory No. 54 is "Yes," with respect to each such survey:

- a. Identify the product(s) which was used in the survey;
- b. Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said survey;
- c. State the date(s) of said survey;
- d. Describe the methodology, results and conclusions of said survey;
- e. Identify any and all documents referring to, relating to, or reflecting said survey or the results and conclusions thereof; and,
- f. Identify any and all persons to whom such document may have been sent.

ANSWER:

Not applicable. See Answer to Interrogatory No. 54.

INTERROGATORY NO. 56:

Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, including but not limited to any insurance company, at any time, gone into any area where any product identified in response to Interrogatory Nos. 19 and 42 was being

manufactured, used, applied or installed to perform a dust level count or similar test?

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 57:

If your answer to Interrogatory No. 56 is "Yes," identify each such count or test performed, by stating when and where it was conducted, and with respect to each count or test so identified:

- a. Identify the product being manufactured, used, applied or installed;
- b. Identify each and every person who conducted, participated in conducting, or analyzed the results of, said count or test;
- c. State the purpose of said count or test;
- d. State what, if any, actions were taken in response to the results of said count or test; and
- e. Identify any and all documents referring to, relating to or reflecting said count or test, including, but not limited to, any actions taken in response to the results of such count or test.

ANSWER:

Not applicable. See Answer to Interrogatory No. 56.

INTERROGATORY NO. 58:

Has Defendant, any predecessor or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies), of any kind, concerning the effects of the inhalation of asbestos dust or asbestos fibers on one using or being exposed to asbestos or

any asbestos-containing product, including, but not limited to, those identified in response to Interrogatory Nos. 19 and 42?

ANSWER:

No.

INTERROGATORY NO. 59:

If your answer to Interrogatory No. 58 is "Yes," with respect to each such study:

- a. Describe the nature of said study, including, but not limited to, the purpose and objectives of the study, the product(s) involved, the date(s) conducted, the methodology employed and the results reached, both raw data and conclusions;
- b. Identify any and all entities and/or persons conducting said study or participating in the conducting of said study;
- c. Identify any and all documents referring to, relating to or reflecting said study, including but not limited to reports (both interim and final), notes, memoranda, work papers, data compilations and surveys;
- d. Identify any and all directors, officers, agents or employees of Defendant who participated in the decision to have the study conducted; and,
- e. Identify any and all entities and/or persons who received a copy of any document referring to, relating to or reflecting the results or conclusions reached.

ANSWER:

Not applicable. See Answer to Interrogatory No. 58.

INTERROGATORY NO. 60:

Did Defendant, its predecessor or related company, take any action as a result of any study or studies set forth in response to Interrogatory Nos. 56 and 58? If so, identify each and every study which resulted in some action being taken, and:

- a. Describe the actions taken, including the effective date of said actions;
- b. Identify any and all persons, including, but not limited to, directors, officers, agents and employees of Defendant who participated in the decision to undertake said actions; and
- c. Identify any and all documents referring to, relating to or reflecting said actions, or any subsequent modification or discussion of the same.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 61:

Has Defendant, any predecessor, or any related company, or any person or entity acting on behalf thereof, at any time, conducted any study(ies) designed to minimize or eliminate the inhalation of asbestos dust and fibers by those using, handling or exposed to any product listed in response to Interrogatory Nos. 19 and 42?

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine, is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 62:

If your answer to Interrogatory No. 61 is "Yes," with respect to each such study:

- a. Identify the product involved;
- b. Identify the person(s) and/or entity(ies) conducting said study;
- c. State the date said study began and the date on which it was completed;
- d. Identify any and all persons, including, but not limited to, directors, officers, agents or employees of Defendant, who participated in the decision to have said study conducted;

- e. Describe the nature of said study;
- f. Describe the nature of any action to eliminate or minimize inhalation of asbestos dust or asbestos fibers undertaken as a result of said study;
- g. Identify any and all documents referring to, relating to or reflecting said study or the results thereof; and,
- h. Identify any and all persons receiving a copy of any document referring to, relating to or reflecting the results or conclusions of said study.

ANSWER:

Not applicable. See Answer to Interrogatory No. 61.

INTERROGATORY NO. 63:

Did Defendant, any related company, or any predecessor at any time, give to persons, who would be applying and/or removing any of the products listed in response to Interrogatory Nos. 19 and 42, any instructions or guidelines concerning precautions, warnings, procedures, and/or methods to use, in order to safely apply or remove such products? If so, describe such instructions, state to whom they were given, state the dates they were given, and describe the manner in which they were given.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 64:

Did Defendant, any predecessor or any related company, at any time, place any warning signs or labels on the containers in which any of the products listed in response to Interrogatory Nos. 19 and 42 were packaged?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 65:

If your answer to Interrogatory No. 64 is "Yes," identify each and every product upon which such a warning was placed, and with respect to each such product identified:

- a. State the date on which any order directing that a warning be placed on said product first issued;
- b. Identify any and all persons participating in the decision to issue that order;
- c. State the first date on which such warning was actually placed on said product;
- d. State the first date on which such product accompanied by such warning was first sold, distributed or installed;
- e. State the exact wording of this first warning;
- f. State the exact location and size of this first warning as it appeared on said product;
- g. Identify any and all persons who participated in any phase of the drafting or design of said first warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the warning;
- h. State why you placed such warning on said product, including, but not limited to, whether you placed such warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and
- i. Identify any and all documents referring to, relating to or reflecting, said warning, its drafting, and/or the decision to place the warning on said product, including, but not limited to, any communication as described in subpart h. of this Interrogatory.

ANSWER:

Not applicable. See Answer to Interrogatory No. 64.

INTERROGATORY NO. 66:

With respect to each product identified in response to Interrogatory No. 65 as having been accompanied by a warning, state whether, subsequent to the first warning described above, any different warning was ever placed upon said product. Any alteration, change or modification in the language, wording, capitalization, punctuation, style of type or printing, size, color, or location on the package or container, of the warning constitutes a different warning.

ANSWER:

Not applicable. See Answer to Interrogatory No. 64.

INTERROGATORY NO. 67:

With respect to each different warning which accompanied each product listed in response to Interrogatory No. 65:

- a. State the date on which any order directing that such different warning be placed on said product first issued;
- b. Identify any and all persons participating in the decision to issue that order;
- c. State the first date on which such different warning was actually placed on said product;
- d. State the first date on which such product accompanied by such different warning was sold, distributed or installed;
- e. Describe, with specificity, any and all changes, modifications or differences between the different warning and the prior warnings(s);
- f. Identify any and all persons who participated in any phase of the drafting or design of such different warning, including, but not limited to, those who performed the actual drafting and design work, those who reviewed the work, those who edited the work and those who approved the different warning;
- g. State why you placed such different warning on said product, including, but not limited to, whether you placed such different warning on said product because you received a directive, command, suggestion, legal opinion, or any type of communication (written or otherwise) from any person, firm, corporation, governmental agency, committee, association, attorney or institute; and

- h. Identify any and all documents referring to, relating to or reflecting, said different warning, its drafting, and/or the decision to place the different warning on said product.

ANSWER:

Not applicable. See Answer to Interrogatory No. 64.

INTERROGATORY NO. 68:

Prior to the date on which Defendant first directed that a warning accompany any product identified in response to Interrogatory Nos. 19 and 42, did any person, firm, organization or other entity, within or without your employ, suggest, recommend, counsel, advise, or otherwise indicate in any manner, that a warning should accompany any or all such products or asbestos-containing products generally?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 69:

If your answer to Interrogatory No. 68 is "Yes," with respect to each such suggestion, recommendation, counseling, advice or other indication:

- a. Identify the person(s) and/or entity(ies) giving the same;
- b. State the date(s) on which the same was given;
- c. Identify any and all persons receiving notice of the same;
- d. Describe what, if any, action Defendant took in response to or upon the same; and,
- e. Identify any and all documents referring to, relating to or reflecting the same, or any action taken thereon or in response thereto.

ANSWER:

Not applicable. See Answer to Interrogatory No. 68.

INTERROGATORY NO. 70:

Did Defendant, any predecessor, or any related company ever place any warning directly upon any of the products listed in response to Interrogatory Nos. 19 and 42?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 71:

If your answer to Interrogatory No. 70 is "Yes," identify each and every product upon which such a warning was placed and for each such product identified:

- a. State, verbatim, each and every warning which ever appeared on said product;
- b. State the size, color and location of each such warning and describe the manner in which it was placed upon the product;
- c. State the dates on which each such warning first and last appeared in said product; and,
- d. Identify any and all documents referring to, relating to or reflecting the placing of any warning directly upon said products, including, but not limited to, decisions not to place such a warning.

ANSWER:

Not applicable. See Answer to Interrogatory No. 70.

INTERROGATORY NO. 72:

Did any warning of any type concerning the products listed in response to Interrogatory

Nos. 19 and 42 ever appear in any sales literature or other materials distributed or provided by Defendant, any predecessor or any related company, to the purchasers, consumers and/or users of such products?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 73:

If your answer to Interrogatory No. 72 is "Yes," identify each and every item of sales literature or other materials in which such a warning appeared, and for each item so identified:

- a. State the date on which said item was first provided to distributors, sellers, purchasers, consumers or users;
- b. List the products discussed in the literature;
- c. Identify any and all other sales literature concerning the products listed in response to Interrogatory Nos. 19 and 42 which was provided to distributors, sellers, purchasers, consumers or users after the above date and which contained no warning.

ANSWER:

Not applicable. See Answer to Interrogatory No. 72.

INTERROGATORY NO. 74:

Does Defendant or any related company have any of the following in its possession, custody or control:

- a. Any package, container, label or item of sales literature which Defendant claims constitutes or contains any warning which ever accompanies any product listed in response to Interrogatory Nos. 19 and 42?
- b. Any picture, photograph or like reproductive representation of any item

described in subpart a.?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant states as follows: no.

INTERROGATORY NO. 75:

State the year that Defendant or any predecessor(s) was first advised of either threshold limit values or maximum allowable concentrations of both asbestos dust and total dust, promulgated by the American Conference of Governmental Industrial Hygienists, and identify the specific person(s) receiving such advise, and any and all documents communicating such advise.

ANSWER:

Defendant objects to this interrogatory on the ground that it vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 76:

State whether such threshold limit values or maximum allowable concentrations referred to in Interrogatory No. 75 involved TOTAL dust or just asbestos dust?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 77:

Describe, in detail, any and all tests, if any, conducted by Defendant, any predecessor or any related company, or anyone acting on behalf thereof, concerning the quantity, quality or threshold limit values of asbestos dust or particles to which applicators or consumers of asbestos-containing products were exposed while using any product identified in response to Interrogatory Nos. 19 and 42, including:

- a. The product being used;
- b. Identify any and all person(s), firm(s) or entity(ies) conducting or participating in the conducting of said test;
- c. State the date(s) of said test;
- d. Describe the methodology, results and conclusions of said test;
- e. Identify any and all documents referring to, relating or reflecting said test or the results and conclusions thereof; and,
- f. Identify any and all persons to whom any document referring to, relating to or reflecting the results or conclusions of said test was sent.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 78:

Did Defendant, any predecessor or any related company, at any time, directly advise the owners or management employees of any worksite in which it sold or applied any product listed in response to Interrogatory Nos. 19 and 42, of threshold limit values for exposure to asbestos dust recommended by the American Conference of Governmental Industrial Hygienist? If so, state the date or dates that you so advised each such owner or employees, the manner in which you advised such owner or employee and the name of each such owner or employee.

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these or any other objections and upon information and belief, this Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 79:

State the date on which any official of Defendant or its predecessor(s) first had knowledge, notice, information or understanding that exposure to asbestos would, could or might cause each of the following diseases:

- a. Pleural disease;
- b. Asbestosis;
- c. Mesothelioma;
- d. Lung cancer;
- e. Any other forms of cancer.

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks

information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, Defendant is not aware of this information. See generally deposition transcript of Michael Argyelan, August 23, 2000, produced simultaneously herewith.

INTERROGATORY NO. 80:

With respect to each disease set forth in Interrogatory No. 79:

- a. Identify the official who first obtained the knowledge, notice, information or understanding to which the interrogatory refers;
- b. Identify any and all documents referring to, relating to or reflecting such knowledge, notice, information or understanding; and,
- c. Describe what, if any, action said official, Defendant, any predecessor or any related company took in response to such knowledge, notice, information or understanding.

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, see Answer to Interrogatory No. 79.

INTERROGATORY NO. 81:

Is Defendant aware, or does Defendant possess knowledge or information concerning, a causal connection between exposure to asbestos or asbestos-containing products and:

- a. Pleural disease?
- b. Asbestosis?
- c. Lung cancer?
- d. Mesothelioma?
- e. Other cancer?

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, Defendant is not aware of this information.

INTERROGATORY NO. 82:

For each subpart of Interrogatory No. 81 to which you answered "Yes":

- a. Describe when and how Defendant first obtained knowledge, or information concerning such connection;
- b. If such knowledge or information was obtained by attendance at any conference, lecture, convention, symposium or meeting, identify such meeting, any and all persons attending, and any and all documents referring to, relating to or reflecting the meeting;
- c. If knowledge was obtained from medical or scientific studies, or work, published or unpublished, identify the same.

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, see Answer to Interrogatory No. 81.

INTERROGATORY NO. 83:

With regard to any knowledge or information obtained subsequent to that identified in

your answer to Interrogatory No. 82 a., identify any and all documents or communications (oral and/or written) concerning the causal connection between exposure to asbestos-containing or asbestos products and any disease, which were sent to, or received by, Defendant, and identify any and all persons conveying and/or receiving such communications.

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, Defendant is not aware of this information and see Answer to Interrogatory No. 81.

INTERROGATORY NO. 84:

As to any knowledge or information referred to in Interrogatories 79-83, did Defendant, at any time, educate or inform its employees, distributors, purchasers or any persons working in the vicinity where any asbestos-containing product was being applied or installed as to the hazards known to Defendant or about which Defendant had information, and as to the safety precautions necessary to guard against cancer and other diseases arising from the use and handling of the products identified in response to Interrogatory No. 19?

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant

is not qualified to render. Without waiving these or any other objections, Defendant does not know.

INTERROGATORY NO. 85:

If your answer to Interrogatory No. 84 is "Yes," identify each such occasion on which Defendant so educated or informed its employees, distributors or purchasers, as follows:

- a. Identify the persons or parties which you educated or informed;
- b. State when, where and in what manner they were educated or informed;
- c. Identify any and all documents referring to, relating to or reflecting the communication or other dissemination of such information; and
- d. Identify any and all persons who so educated or informed said employees, distributors, purchasers or persons working in the vicinity of application or who participated in the same in any way, including, but not limited to, assembling, drafting, writing, rewriting, preparing or conveying such information in any format.

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, see Answer to Interrogatory No. 84.

INTERROGATORY NO. 86:

Did Defendant or any predecessor entity perform, direct to be performed, finance in whole or in part, sponsor in whole or in part or receive the results of, any studies or tests concerning the relationship between asbestos exposure and asbestosis, cancer and/or mesothelioma?

ANSWER:

Defendant is not aware of any such occasion.

INTERROGATORY NO. 87:

If your answer to Interrogatory No. 86 is "Yes," with respect to each such study or test:

- a. State the nature of the involvement (performed, directed it to be performed, financed, sponsored, received results, etc.);
- b. State when, where and at what intervals said study was performed;
- c. Identify any and all persons, firms or entities which performed said study;
- d. Identify any and all documents referring to, relating or reflecting said study or the results thereof; and
- e. State all means by which the results of said study were disseminated including, if applicable, publication; and identify any and all persons who received said results and any and all publications in which said results appeared.

ANSWER:

Not applicable. See Answer to Interrogatory No. 86.

INTERROGATORY NO. 88:

Did Defendant at any time during the period that the products listed in response to Interrogatory Nos. 19 and 42 were manufactured, sold, applied or installed, inform any purchaser or user of said products that such products could cause cancer, asbestosis, and/or other serious diseases?

ANSWER:

Defendant objects to this request as it is vague, ambiguous, overbroad, unduly burdensome and not reasonably calculated to lead the discovery of admissible evidence, and that it assumes facts not in evidence. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render. Without waiving these or any other objections, upon information and belief, Defendant has no records or information which would enable it to answer this interrogatory.

INTERROGATORY NO. 89:

Did Defendant, any predecessor or any related company, or any workers' compensation insurance carrier thereof, ever have any claims for lung diseases or death from lung disease, whether directly or indirectly attributed to asbestosis, mesothelioma, lung cancer, or exposure to asbestos-containing products?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Further objecting, Defendant states that this request seeks information regarding a medical opinion and call for an expert conclusion which this defendant is not qualified to render.

INTERROGATORY NO. 90:

If your answer to original Interrogatory number 89 was "Yes", please provide the following information for each and every employee of the defendant, predecessor or related company with such a claim. If the claimant was a non-employee, please provide the information for the first 100 cases of which the defendant had notice.

- a. Identify the claimant;
- b. Identify the entity against which the claim was filed;
- c. State the date upon which the claim was filed;
- d. List the locations(s) at which claimant was exposed to asbestos;
- e. Identify each and every board, administrative body, commission or court which handled or reviewed said claim and state the state the style and cause number applicable to said claim before each such body;
- f. Identify the disease alleged by claimant;
- g. State the final disposition of the claim including any and all benefits paid, and the entity making such payments;
- h. If different from the date on which the claim was filed, state the date on which defendant first had notice of the claim; and
- i. Identify any and all documents referring to, relating to or reflecting said claim.

ANSWER:

Not applicable. See Answer to Interrogatory No. 89. This Defendant further objects on the basis that this interrogatory requests confidential medical records that is precluded under Illinois law or other law.

INTERROGATORY NO. 91:

How many past or present employees of Defendant, its predecessors or related companies are known by you to be suffering from, to have suffered from, or to have suffered deaths caused by:

- a. Asbestosis?
- b. Lung cancer?
- c. Mesothelioma?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overbroad, irrelevant and immaterial and not reasonably calculated to lead to the discovery of admissible evidence, unduly burdensome, and outside the proper scope of discovery. Without waiving these objections, Defendant is not aware of any such persons.

INTERROGATORY NO. 92:

For each employee referenced in your answer to Interrogatory No. 91, state the date that Defendant first knew, or had notice or information, that such past or present employee was suffering, or had suffered from:

- a. Asbestosis;
- b. Lung cancer;
- c. Mesothelioma.

ANSWER:

Not applicable. See Answer to Interrogatory No. 91. This Defendant further objects on the basis that this interrogatory requests confidential medical records that is precluded under

Illinois law or other law.

INTERROGATORY NO. 93:

Identify any and all material safety data sheets concerning the products listed in response to Interrogatory Nos. 19 and 42 prepared, at any time, by, or on behalf of, Defendant, any predecessor or any related company.

ANSWER:

Defendant is not aware of any such document.

INTERROGATORY NO. 94:

Identify any and all trade organizations, associations, or other entities, including but not limited to American Textile Institute (ATI), Asbestos Information Association (AIA), Industrial Health Foundation or Industrial Hygiene Foundation (IHF), National Insulation Manufacturers Assn. (NIMA), National Insulation Contractors Assn. (NICA), National Safety Council (NSC), American Ceramics Society (ACS), National Building Materials Distributors Assn. (NIA), Sprayed Mineral Fiber Manufacturers Assn. (SMFMA), Thermal Insulation Manufacturers Assn. (TIMA), Quebec Asbestos Mining Assn. (QAMA), to which Defendant, any predecessor or any related company has belonged or in which any or all of the same have participated since 1925, and state the applicable dates of such membership or participation.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant is not aware of any membership or participation.

INTERROGATORY NO. 95:

Identify any and all persons attending, on behalf of Defendant, any predecessor or any related company, any meetings, seminars or symposiums held by the trade organizations, associations, or other entities identified in response to Interrogatory No. 94.

ANSWER:

See Answer to Interrogatory No. 94.

INTERROGATORY NO 96:

Did any officer, employee, agent or representative of Defendant, of any predecessor, or of any related company, serve, at any time, as:

- a. An officer, director or official of any trade organization, association or entity identified in response to Interrogatory No. 94?
- b. A member of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 94?
- c. The chair of any committee or subcommittee of any trade organization, association or entity identified in response to Interrogatory No. 94?
- d. The representative or liaison for any trade organization, association or entity identified in response to Interrogatory No. 94 to any other trade organization, association or entity, including, but not limited to, A.T.I., I.H.F., N.I.M.A., A.I.A., N.I.C.A., T.I.M.A., Q.A.M.A., N.A.C., N.S.C., A.C.S., N.B.M.D.A., N.I.A., S.M.F.M.A.?

ANSWER:

See Answer to Interrogatory No. 94.

INTERROGATORY NO. 97:

For each subpart of Interrogatory No. 96 to which your answer is "Yes," identify each and every person serving in such capacity and:

- a. state the trade organization, association or entity for which such service was rendered;
- b. specify the capacity of service, including identifying any specific committee, subcommittee or other trade organizations, associations or entities involved; and,
- c. state the applicable dates of service.

ANSWER:

Not applicable. See Answer to Interrogatory No. 94.

INTERROGATORY NO. 98:

Identify any and all documents which Defendant, its predecessor(s) or any related company submitted to, or received from, the organizations listed in response to Interrogatory Nos. 94 and/or 97:

- a. Which refer to, relate to or reflect the subject of asbestos;
- b. Which refer to, relate to or reflect a relationship between asbestos exposure and any disease; and/or
- c. Which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant is not aware of any such documents and see Answers to Interrogatories No. 94 and No. 97.

INTERROGATORY NO. 99:

Identify any and all documents including, but not limited to, minutes, bulletins or reports, created by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 94 and/or 97 or any committee, subcommittee or subgroup thereof;

- a. Which refer to, relate to or reflect the subject of asbestos;
- b. Which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- c. Which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

ANSWER:

See Answer to Interrogatory No. 98.

INTERROGATORY NO. 100:

Identify any and all documents including, but not limited to, minutes, bulletins or reports, received by, or on behalf of, any trade organization, association or entity listed in response to Interrogatory No. 94 and/or 97, or any committee, subcommittee or subgroup thereof;

- a. Which refer to, relate to or reflect the subject of asbestos;
- b. Which refer to, relate to or reflect a relationship between asbestos exposure and any disease; or
- c. Which refer to, relate to or reflect the placement or providing of warnings with respect to hazardous products.

ANSWER:

See Answer to Interrogatory No. 98.

INTERROGATORY NO. 101:

Identify any and all agreements, oral or written, between or among Defendant, any of the other defendants in this lawsuit, any organization, association or other entity including, but not limited to, those identified in your answer to Interrogatory No. 94 and/or any medical or scientific foundations, relating to the standardization of:

- a. Specifications for asbestos cloth products;
- b. Specifications for paper or burlap bags, or other packaging to be used for the transport and/or storage of asbestos cement;
- c. Warning or caution labels to be applied to asbestos products and/or their packaging, cartons, containers, or boxes;
- d. Methods of dissemination of public relations information to defendant's purchasers, advertisers, distributors, factory workers, contractors, insulators, users, consumers of asbestos products and/or the general public;
- e. Safety equipment and/or protective clothing to be utilized while handling defendant's asbestos products;
- f. Medical programs to be offered or sponsored by defendant.

ANSWER:

Defendant is not aware of any agreement responsive to this interrogatory.

INTERROGATORY NO. 102:

Did Defendant, any predecessor or related company, direct to be performed, sponsor in whole or in part, finance in whole or in part, receive the results of, or become aware of, any studies or tests performed by the Saranac Lake Laboratory of the Trudeau Foundation relating to asbestos exposure and its effects upon human health?

ANSWER:

Defendant is not aware of any such occasion.

INTERROGATORY NO. 103:

If your answer to Interrogatory No. 102 is "Yes":

- a. Identify any and all documents received by Defendant, its predecessor(s), or a related company referring to, relating to or reflecting any findings or results of those studies or tests, and state the date upon which each was first received;
- b. Identify any and all communications (oral or written), between Defendant, its predecessor(s) or a related company and Saranac personnel, including but not limited to Gerrit W.H. Schepers, M.D.;
- c. Identify any and all documents referring to, relating to or reflecting the Saranac studies received or submitted by Defendant, its predecessor(s) or a related company either directly, through related or predecessor companies, through other companies, or through any trade associations, organizations or other entities; and
- d. Identify any and all documents referring to, relating to or reflecting recommendations or findings of such studies relating to:
 - i. Adequacy or inadequacy of threshold limit values;
 - ii. Substitution of materials other than asbestos to be used in the insulation process.

ANSWER:

Not applicable. See Answer to Interrogatory No. 102.

INTERROGATORY NO. 104:

With respect to each subject listed below, state whether said subject was, at any time, discussed at a meeting of the board of directors of Defendant, any predecessor or any related

company:

- a. The sale and/or marketing of any asbestos-containing product, including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42;
- b. The health hazards resulting from exposure to asbestos, including, but not limited to, exposure resulting from the use, application or removal of asbestos-containing products;
- c. The placement or possible placement of warning labels on asbestos-containing products or their packages, or in sales literature, therefore including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42; and
- d. Any test, survey, study or similar matter concerning asbestos or asbestos-containing products, including, but not limited to, the products listed in response to Interrogatory Nos. 19 and 42.

ANSWER:

Defendant is not aware of any discussions.

INTERROGATORY NO. 105:

If your answer to any one or more of the subparts of Interrogatory No. 104 is "Yes," then with respect to each subpart for which you answered "Yes":

- a. Identify each and every board meeting at which said subject was discussed by stating the date(s) on which, and the location(s) at which, each meeting was held;
- b. Identify any and all persons present at each such meeting; and,
- c. Identify any and all documents, including, but not limited to, minutes, referring to, relating to, or reflecting each such meeting.

ANSWER:

Not applicable. See Answer to Interrogatory No. 104.

INTERROGATORY NO. 106:

Identify any and all seminars, symposiums, conferences or like gatherings attended by any officer, agent or representative of Defendant, any predecessor or any related company, at which the subject of asbestos, the health hazards of asbestos exposure, or the placement or providing of warnings was discussed.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant is not aware of any such occasion.

INTERROGATORY NO. 107:

Identify any and all documents, including, but not limited to, notes, reports, minutes or bulletins, which refer to, relate to or reflect any meeting identified in response to Interrogatory No. 106.

ANSWER:

Not applicable. See Answer to Interrogatory No. 106.

INTERROGATORY NO. 108:

With respect to each job site within 200 miles of Madison County and/or identified by any plaintiff (who has asserted claims against this defendant) i. identify any and all documents referring to, relating to or reflecting the purchase, sale, delivery, use, application or ordering, of any of the products listed in response to Interrogatory Nos. 19 and 42 by, for, to or at said site; and, ii. identify any and all persons known by Defendant to have knowledge concerning the same.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome, and on the grounds that plaintiff has no sufficiently identified locations which they allege they were exposed to Defendant's products. Without waiving these or any other objections, Defendant states that it is not aware of any information responsive to this interrogatory.

INTERROGATORY NO. 109:

Identify any and all parties, located within a 200 mile radius of Madison County, Illinois, including, but not limited to, distributors, suppliers or contractors, known by you to have purchased, received, sold, distributed, applied or otherwise used, at any time, any or all of the products listed in response to Interrogatory Nos. 19 and 42.

ANSWER:

None.

INTERROGATORY NO. 110:

Other than cases identified in Interrogatory numbers 89 and 90, has defendant, any predecessor or any related company, ever appeared as a party in any lawsuit involving a claim or claims based upon allegations of property damage or seeking recovery of the costs of abatement from the use, application, installation or presence of asbestos or asbestos-containing products?

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome, and on the grounds that plaintiff has not sufficiently identified locations which they allege they were exposed to Defendant's products. Defendant further objects on the basis that the information sought is in the public record and equally accessible to the plaintiff. Without waiving these objections, Defendant is unaware of any such lawsuit.

INTERROGATORY NO. 111:

If your answer to Interrogatory No. 110 is "Yes," identify each such lawsuit as follows:

- a. Identify the plaintiff(s);
- b. Identify all other defendants;
- c. State when and where the case was filed;
- d. Identify each court in which the case was heard or is pending, including

- appeals, and state the style and cause number of the case in each court;
and,
- e. State the current status of the case if it remains pending or, if the case has been disposed of, state the final disposition.

ANSWER:

Not applicable. See Answer to Interrogatory No. 110.

INTERROGATORY NO. 112:

In any lawsuit, as described in Interrogatory numbers 89, 90, 110 and 111, has Defendant been subject to sanctions, a contempt citation or similar action for failing, or refusing to comply with, any court order, for discovery fraud, or for the failure to provide complete, accurate and truthful responses to discovery?

ANSWER:

Not applicable. See Answers to Interrogatory No. 89, No. 90, No. 110, and No. 111.
Without waiving any objections therein, Defendants answers as follows: no.

INTERROGATORY NO. 113:

If your answer to Interrogatory No. 112 is "Yes," with respect to each such occasion described:

- a. Identify the lawsuit involved, the court which imposed the sanctions or issued the contempt citation, and any other court which reviewed the same;
- b. Describe the violation for which sanctions or contempt was imposed;
- c. If the violation involved the failure or refusal to produce any document(s), identify any and all such documents;
- d. If the violation involved any failure to truthfully answer or to respond to interrogatories, identify any and all such interrogatories and your response thereto, including the person answering on your behalf;
- e. State the present status or final disposition of the matter, whichever is applicable; and,
- f. Identify any and all documents referring to, relating to or reflecting said matter, including, but not limited to, pleadings, exhibits and court orders.

ANSWER:

Not applicable. See Answer to Interrogatory No. 112.

INTERROGATORY NO. 114:

In any lawsuit involving a claim or claims based upon allegations of injury, impairment, disease or death allegedly caused by exposure to asbestos, has any document or conversation as to which the defendant, any predecessor or related company, asserted the attorney/client privilege been held by any court to be not privileged on the basis of the crime/fraud exception?

ANSWER:

Defendant is not aware of any such holding.

INTERROGATORY NO. 115:

If your answer to Interrogatory No. 114 is "Yes," identify any and all such documents or conversations described, and with respect to each:

- a. Identify all persons whose actions were held to constitute a crime or fraud;
- b. State the current status of the court's determination; and,
- c. State whether you assert the privilege with respect to disclosing the document or conversation in this case.

ANSWER:

Not applicable. See Answer to Interrogatory No. 114.

INTERROGATORY NO. 116:

Identify any and all expert witnesses who have testified on behalf of the defendant, any predecessor or related company, in the last ten years in any lawsuits involving a claim or claims based upon allegations of injury, impairment, disease or death caused by exposure to asbestos, or a claim or claims based upon allegations of property damage from the use, application, installation or presence of asbestos or asbestos-containing products, or issues of insurance coverage for any claims of personal injury or property damage arising out of the exposure to,

use of, application of, installation of, or presence of asbestos or asbestos-containing products.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows: none.

INTERROGATORY NO. 117:

Identify any and all present or former directors, officers, employees, or agents of defendant, any predecessor or related company, who have testified in any manner whatsoever including a discovery or evidence deposition, or in a trial, in the last 20 years on behalf of or against the defendant, any predecessor, or related company, in any lawsuits involving a claim or claims based upon allegations of personal injury or property damage caused by exposure to, the use of, the application of, the installation of, or the presence of any asbestos or asbestos-containing product, other than persons who testified as plaintiffs in their own cases. Specifically included within the scope of this request are any suits involving the issue of insurance coverage for claims of personal injury or property damage resulting from the exposure to, the use, application, installation or presence of asbestos or asbestos-containing products.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome, and on the grounds that plaintiff has no sufficiently identified locations which he alleges he was exposed to Defendant's products. Without waiving these objections, the following persons have testified: Dennis St. George, Michael Argyelan, George Dippold, and Theodore Hubbard.

INTERROGATORY NO. 118:

Identify any and all present or former directors, officers, employees, or agents of the defendant, any predecessor or any related company, other than persons appearing as adverse parties, who have testified against the defendant, any predecessor, or any related company in the last 20 years, in any proceeding involving the subject of asbestos, including, but not limited to, workers' compensation hearings, or any hearing before any governmental body.

ANSWER:

Defendant objects to this Interrogatory on the grounds that it is overly broad and unduly burdensome, and on the grounds that plaintiff has no sufficiently identified locations which they allege they were exposed to Defendant's products. Without waiving these objections, Defendant states that it is not aware of any occasion.

INTERROGATORY NO. 119:

With respect to your answers to Interrogatory numbers 116, 117, and 118, identify any and all documents, including, but not limited to, transcripts or notes of testimony, referring to, relating to or reflecting the testimony of such expert witnesses or employees, directors, officers, or agents.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the attorney client privilege and work product doctrine. Without waiving these or any other objections, transcripts currently in the possession of this Defendant are being produced simultaneously herewith. Other transcripts may be in existence that are currently unknown to this Defendant.

INTERROGATORY NO. 120:

Has Defendant, any predecessor or any related company, ever been cited, warned, fined, sanctioned or otherwise officially written up for, any violation of a federal, state or local statute, law, rule, ordinance, code, administrative order, executive order, or the like, by any federal, state or local governmental entity, which violation concerned asbestos in any way?

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows: no.

INTERROGATORY NO. 121:

If your answer to Interrogatory No. 120 is "Yes," with respect to each such violation:

- a. Identify the governmental entity issuing the citation, warning, fine, sanction or write-up;
- b. State the date of the citation, warning, fine, sanction or write-up;
- c. Describe the violation and state the date(s) during which it occurred;
- d. Identify the statute, law, rule, ordinance, code or order to which the violation related;
- e. State what, if any, specific fine, penalty, or sanction was imposed;
- f. State the date in which and the manner in which said violation was corrected;
- g. Identify any and all officials of Defendant, its predecessor or its related company having knowledge or notice of said violation and state the date on which said knowledge or notice was received; and,
- h. Identify any and all documents referring to, relating to or reflecting said violation.

ANSWER:

Not applicable. See Answer to Interrogatory No. 120.

INTERROGATORY NO. 122:

Has any federal, state or local government entity, at any time, conducted any inspection, test or survey concerning asbestos or asbestos exposure at any facility where the products listed in response to Interrogatory Nos. 19 and 42 were manufactured, processed, applied, used or

removed?

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant does not have any information responsive to this interrogatory.

INTERROGATORY NO. 123:

If your answer to Interrogatory No. 122 is "Yes," then with respect to each such inspection, test or survey:

- a. Identify the governmental entity conducting the same;
- b. State the date(s) on which the same was conducted;
- c. Describe the nature of the inspection, test or survey including, but not limited to, the results or conclusions thereof; and,
- d. Identify any and all documents referring to, relating to or reflecting the same.

ANSWER:

Not applicable. See Answer to 122.

INTERROGATORY NO. 124:

Identify:

- a. Any expert whom you intend to call as a witness;
- b. The subject matter on which the expert is expected to testify;
- c. The substance of the facts and opinions to which the expert is expected to testify;
- d. A summary of the grounds for each opinion;
- e. The address of such person and field of expertise;
- f. Identify and produce each treatise, article or text upon which the expert will rely in testifying.

ANSWER:

Defendant objects to this interrogatory on the ground that it seeks information protected by the work product doctrine and on the grounds that it is outside the proper scope of discovery.

Without waiving these objections, discovery is ongoing and Defendant reserves the right to supplement this response after plaintiff's disclosure and pursuant to the case management order.

INTERROGATORY NO. 125:

Are there any policies of insurance which provide, or might provide, coverage on behalf of Defendant, any predecessor or any related company for the injuries alleged in Plaintiffs' complaints?

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows: The following companies are defending WC&D: AIG, The Hartford, Fireman's Fund, CNA, Chubb, and Nationwide. The Hartford was an insurer of Pioneer Talc with Defendant as a named insured. Defendant is without knowledge of the final coverage position of its insurer, or the methods by which the insurers allocates expenses from these policies.

INTERROGATORY NO. 126:

If your answer to Interrogatory No. 125 is "Yes," identify each such policy of insurance as follows:

- a. Identify the insurer(s);
- b. Identify the insured(s);
- c. State the date on which the policy was first purchased and the date on which the policy expired or was terminated;
- d. Describe the coverage provided, including, but not limited to, the time period over which the policy applied, the nature of the acts, omissions and injuries covered, and whether the policy provides primary or excess coverage; and
- e. State the dollar limits of the coverage provided, including, if applicable, the "per person" limitations and "per occurrence" limitation.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows: the AIG policy was claims-made policy from 1998-2008. The rest are occurrence based policies as follows:

68-70 Royal Globe	CGL	estimated \$500K combined single limit
70-72 Glens Falls	CGL	estimated \$500K combined single limit
72-73 Continental	CGL	estimated \$500K combined single limit
73-82 Chubb	CGL	\$500K combined single limit
82-83 Wausau	CGL	\$500K combined single limit
83-84 Firemen's Fund	CGL	\$500K combined single limit

INTERROGATORY NO. 127:

With respect to each policy described in response to Interrogatory No. 126, state:

- a. The dollar amount of coverage which remains unexpended; and
- b. Whether any dispute exists between insurer and insured with respect to coverage.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these or any other objections, Defendant states as follows: limits have been eroded by approximately \$250,000 total.

INTERROGATORY NO. 128:

Other than the policies of insurance described in response to Interrogatory No. 126, do there exist any agreements providing for the benefit of Defendant, any predecessor or any related company, complete or partial indemnification for any or all expenses incurred with respect to any or all of these cases, including, but not limited to, judgments, settlements, costs, experts' fees and/or attorneys' fees?

ANSWER:

No.

INTERROGATORY NO. 129:

If your answer to Interrogatory No. 128 is "Yes," for each such agreement:

- a. Identify all parties to the agreement and state the capacity of each such party (i.e. indemnitor, indemnitee, etc.);
- b. State the terms of the agreement, including the nature of the expenses covered and, if applicable, any limitations on payment, reimbursement or indemnification; and
- c. Identify any and all documents referring to, relating to or reflecting said agreement.

ANSWER:

Not applicable. See Answer to Interrogatory No. 128.

INTERROGATORY NO. 130:

Was this Defendant ever allowed to use the trademark or logo of any other company, including but not limited to, its predecessor or related company, on any products Defendant sold, distributed or installed, and if so please state:

- a. The trademark or logo used by you;
- b. The company allowing such use of its trademark or logo;
- c. The time period such use was allowed;
- d. Whether such use was by written, verbal or implied agreement;
- e. Each and every product such trademark or logo was placed upon;
- f. Identify all documents which refer to, relate to or reflect the use of such trademark or logo.

ANSWER:

Defendant is not aware of any use of such trademark or logo.

INTERROGATORY NO. 131:

From 1940 to present, state whether Defendant and/or any predecessor or related company ever provided workers' compensation, health, accident and disability and/or life insurance coverage for its employees, and if so:

- a. Identify each insurance carrier which provided workers' compensation, health, accident and disability and/or life insurance coverage to your employees and the dates such coverage was provided by each such carrier;
- b. State whether such insurance carrier(s) ever conducted any dust counts or studies, industrial hygiene surveys or other tests relating to any asbestos-containing products that Defendant's employees may have been working with or around; and,
- c. If your response to subpart b. hereof is in the affirmative, please indicate the date of each such count, study, survey or other test and identify all documents relating thereto.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, irrelevant, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Defendant believes that it provided workers' compensation insurance, but it is not aware of information sufficient to respond to paragraphs a-c.

INTERROGATORY NUMBER 132:

Other than cases identified in Interrogatories 89, 90, 110 and 111, has defendant, any predecessor or any related company, ever appeared as a party in any lawsuit involving a claim or claims based upon issues of insurance for any claim of personal injury, property damage or cost of abatement arising out of the exposure to, use of, application of, installation of or presence of asbestos or asbestos-containing products?

ANSWER:

Defendant objects to this interrogatory on the ground that it is vague, overly broad, irrelevant, immaterial, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence.

INTERROGATORY NUMBER 133:

If your answer to Interrogatories 89, 90, 110 and 111 is "yes", identify each such lawsuit

as follows:

- a. Identify all plaintiff(s);
- b. Identify all defendant(s);
- c. State when and where the case was filed;
- d. Identify each court in which the case was heard or is pending, including appeals, and state the style and cause number of the case in each court; and
- e. State the current status of the case if it remains pending or, if the case has been disposed of, state the final disposition.

ANSWER:

Not applicable. See Answer to Interrogatory No. 89, 90, 110, 111, and 132.

INTERROGATORY NUMBER 134:

Is the defendant, any predecessor or related company, claiming any document responsive to any interrogatory or any request for production filed by The Simmons Firm and/or SimmonsCooper, LLC as being protected from disclosure because of a privilege claimed for any reason? If yes, please list each document being claimed as protected from disclosure in a privilege log providing the date of the document, the identity of the author, what individual or entity the document was addressed to, the identity of any individuals or entities provided copies of the document, a brief description of the nature of the document, and the particular privilege claimed as shielding the document from disclosure.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, irrelevant, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence and outside the scope of discovery. Without waiving these objections, Defendant will provide a privilege log pursuant to Illinois rules of civil procedure and any case management order.

INTERROGATORY NUMBER 135:

Describe each and every document that defendant intends to use as an exhibit at trial.

(Providing an exhibit list in lieu of an answer is an acceptable response).

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, irrelevant, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Defendant states that discovery is ongoing and Defendant reserves the right to supplement this response after plaintiff's disclosures and pursuant to any case management order.

INTERROGATORY NUMBER 136:

State whether this defendant has ever generated reports in compliance with the Asbestos Information Act of 1988, Pub. L. 100-577, 15 U.S.C. Section 2607 and if so for each such document, please state:

- a. The date said documents were generated and filed;
- b. The location of any copies of said reports under the control of this defendants
- c. The location of any draft reports, memos or any other notes concerning the preparation of said reports; and
- d. The name, address and phone number of the individual having custody and control of each said report.

ANSWER:

Defendant objects to this interrogatory on the ground that it is overly broad, irrelevant, unduly burdensome and not reasonably calculated to lead to the discovery of admissible evidence. Without waiving these objections, Defendant is not aware of any information responsive to this interrogatory.

INTERROGATORY NUMBER 137:

If the answer to the preceding interrogatory is in the negative, please state whether any

documents, memos, notes or any other writing exist describing or memorializing the research and decision whether or not to generate or file any report as required by the said Act and if so for each such document please state:

- a. The date said document was generated;
- b. The location of said documents; and,
- c. The name, address and phone number of the individual(s) having custody and control of each said document.

ANSWER:

See Answer to Interrogatory No. 136.

Respectfully submitted,

WHITTAKER, CLARK & DANIELS, INC.

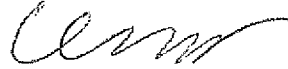
By: 
One of Its Attorneys

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Attorneys for Defendant – WHITTAKER, CLARK & DANIELS, INC.

VERIFICATION:

Under penalties as provided by law pursuant to Section 4-109 of the Illinois Code of Civil Procedure, the undersigned certifies that he is authorized to sign on behalf of Whittaker, Clark & Daniels, Inc. and that the statements set forth in Whittaker, Clark & Daniels, Inc.'s Responses to Plaintiff's Manufacturer Interrogatories Directed to Defendant, this instrument is true and correct, except as to matters therein stated to be on information and belief and as to such matters the undersigned certifies that as-aforesaid that he verily believes the same to be true.



Signature of Duly Authorized
Representative of Whittaker, Clark & Daniels, Inc.